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In re Application of :  
SOARES PAIS et al. :  
Application No.: 09/980,819 : DECISION ON PAPERS  
PCT No.: PCT/PT00/00007 :  
Int. Filing Date: 09 June 2000 : UNDER 37 CFR 1.42  
Priority Date: 09 June 1999 :  
Attorney Docket No.: 08685.0001 :  
For: PRODUCTION BY YEASTS OF ASPARTIC :  
PROTEINASES FROM PLANT ORIGIN WITH :  
SHEEP'S, COW'S, GOAT'S, MILK, ETC. CLOTTING :  
AND PROTEOLYTIC ACTIVITY :

This is a decision on applicants' submission filed 23 May 2002. The indication that inventor Rudy J. Planta is deceased has been treated as a request for status under 37 CFR 1.42.

### **BACKGROUND**

On 09 June 2000, applicant filed international application PCT/PT00/00007, which claimed a priority date of 09 June 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 14 December 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 08 January 2001, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 10 December 2001 (09 December 2001 being a Sunday).

On 07 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an assertion of small entity status.

On 25 January 2002, the United States Patent and Trademark Office (USPTO) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) were required. The NOTIFICATION set a two-month extendable time period for reply.

On 23 May 2002, applicants filed the instant submission, which was accompanied by: a

petition/fee for a two month extension of time; the surcharge under 37 CFR 1.492(e); and a declaration signed by two of the three inventors and signed by Keatie Henriette Ouborg Planta as "Legal Representative" of deceased inventor Rudy J. Planta. This declaration also lists the residence, citizenship and mailing address of both Keatie Henriette Ouborg Planta and Rudy J. Planta.

### **DISCUSSION**

The submission filed 23 May 2002 has been reviewed and has been found in compliance with 37 CFR 1.42 and 37 CFR 1.497(a)-(b).

### **CONCLUSION**

The papers filed under 37 CFR 1.42 on 23 May 2002 are **ACCEPTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including according the application a 35 U.S.C. 371(c) date of **23 May 2002**.



Daniel Stemmer

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